

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 19, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Massa called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Executive Secretary Dunsmore and Superintendent Huskey were also in attendance.

Connie Vickery, Greg Genrich, Lisa McKinney, Matt Brose, Jeff McKean, Bart Herriman, and Marc Carmichael were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 5, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the April 19, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Guthrie seconded. The motion was unanimously approved.

Four hundred twenty-eight (428) permits approved for renewal, fifty-five (55) new and/or transfer permits approved, seven (7) permits approved for catering, three (3) permits approved for first year

escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR46-06205 THE AVENUE BAR INCORPORATED - Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to table this matter until the next meeting for further review. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-26678 WALGREEN CO. - Commissioner Guthrie noted this is a new type 208 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL49-26687 WALGREEN CO. – Commissioner Guthrie noted this is a new type 208-3 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR28-27467 HACIENDA DON JOSE, INC. – Commissioner Guthrie noted this is a new type 210 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board recommended denial of the new permit because the location is within 200 feet of a church.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL50-27654 GOOD OIL CO., INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

D75-27652 GOOD OIL CO., INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

D75-27653 GOOD OIL CO., INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make nine (9) permits inactive. Five (5) permits are not subject to auction and four (4) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

DL23-27630 AND DL23-27633 MINI MART STORES, INC. – Commissioner Guthrie stated these applications were tabled from the April 5, 2011 meeting. They are both new type 115 applications with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie noted the remonstrators in this matter are competitors and the one vote in favor of granting the permits is the Excise officer.

Commissioner Guthrie moved to reverse the local board and grant the new permits. Commissioner Sturtz seconded. The motion was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

MAY COMMISSION MEETING – Chairman Massa stated that due to the Election Day holiday, the May 3, 2011 Commission meeting will be held on May 4, 2011 at 10:00 a.m.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

MARK S. MASSA, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER